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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,086	08/31/2001	Alan Asay	P 268225 RM-1	8118
909	7590	03/08/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,086

Applicant(s)

ASAY ET AL.

Examiner

Paul Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 57-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 57-61 and 63-75 is/are rejected.
- 7) ☒ Claim(s) 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-56 were pending at the time of the previous Office Action. Claims 2-56 have been cancelled by the Amendment filed 12-08-05 and new claims 57-75 added. Therefore claims 1 and 57-75 are pending and have been examined.

Terminal Disclaimer

2. The terminal disclaimer filed on 12-08-05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 5,903,882 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 63-75 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed towards a computer program that is capable of directing a computer to carry out the method steps of claims 1 and 57-62. However, since there is no recitation of the computer program being embodied in a physical memory medium, the claims are therefore directed towards non-functional descriptive material, i.e., a mere arrangement of data, something for which a US Patent may not grant (See MPEP 2106).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1, 57-61, and 63-75 are rejected under 35 U.S.C. 102(a) as being anticipated by Williams et al., US 5,815,657.

As for claim 1, Williams et al. teaches a method of managing reliance in an electronic transaction system (Abstract) the method comprising: obtaining electronic signals representing subscriber assurance of an attribute of a subscriber to the system (fig. 29), the subscriber assurance issued by a certification authority (fig. 30, col. 11 lines 30-37, col. 36 lines 63-67, col. 37 lines 1-12); obtaining electronic signals representing a request for transactional assurance based on at least the subscriber assurance based on a transaction involving the subscriber (col. 13 line 40 through col. 14 line 23: the Payment Manager receives the request for transactional assurance (i.e., authorization to pay or payment) from the merchant, and receives certificate information from the user (user's wallet manager)); determining whether to provide the requested transactional assurance, based on at least the subscriber assurance (col. 13 line 40 through col. 14 line 23: the Payment Manager receives the request for transactional assurance (i.e., authorization to pay or payment) from the merchant, and receives certificate information from the user (user's wallet manager)) ; and, depending on the said determining, issuing

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electronic signals representing transactional assurance to the relying party (fig. 34: Payment Window).

As for claim 57, Williams teaches the method of claim 1, wherein the subscriber assurance comprises (a) an identification assurance of the identity of the subscriber, or (b) an authorization assurance of authorization of the subscriber, or (c) both (a) and (b) (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information).

As for claim 58, Williams teaches the method of claim 1, wherein the subscriber assurance comprises electronic signals representing a certificate (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information).

As for claim 59, Williams teaches the method of claim 1, wherein the determining is based also on information provided by the relying party (col. 13 line 41 through col. 14 line 6: Payment Manager receives a user certificate containing I.D. information and certificate information from the Merchant).

As for claim 60, Williams teaches the method of claim 1, wherein the request for transactional assurance comes from the relying party (col. 13 lines 40-53: Merchant payment request also contains assurance information such as the merchant certificate sent to the payment manager).

As for claim 61, Williams teaches the method of claim 1, wherein the request for transactional assurance includes a request for a guarantee of an aspect of the transaction and comprising (col. 13 lines 40-50: Merchant sends transaction details and his certificate): validating information in the request for transaction assurance to determine whether to provide the guarantee for the aspect of the transaction (col. 16 lines 19-25: Merchant is verified); and sending electronic signals representing an indication of whether the aspect of the transaction will be guaranteed (col. 16 lines 19-25: a message is sent as to whether Merchant is verified or not, and therefore whether payment will be made or not).

Claims 63-75 are directed towards a computer program that directs a computer to carry out the method steps of claims 1 and 57-61. Claims 63-75 contain substantially the same limitations as claims 1 and 57-61. Therefore claims 63-75 are rejected on the same basis as claims 1 and 57-61.

Allowable Subject Matter

7. Claim 62 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art in the field, Williams 5,815,657 does not teach electronic signals representing subscriber assurance that are a time-based certificate specifying a stated reliance limit.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

3-5-06

Paul Callahan

E. L. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER